

**PHARMACY EXAMINING BOARD
REGULAR MEETING
APRIL 9, 2002**

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Georgina Forbes; Charlotte Rasmussen; Sue Sutter, RPH

MEMBER EXCUSED: Dan Luce, RPH

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Black, Legal Counsel; Karen Rude-Evans, Program Assistant

GUESTS: Jamie Statz-Paynter, Dean Pharmacy; Gina Besteman and Carol Petersen, Women's International Pharmacy; Tom Engels, PSW

CALL TO ORDER

Chair Sue Sutter called the meeting to order at 9:39 a.m.

APPROVAL OF AGENDA

Amendments: -Memorandum of Understanding
-2002 Licensed Pharmacist Survey
-Practice question from IDEC Pharmaceuticals Corporation
-Correspondence from MetaStar regarding anthrax communication efforts

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 12, 2002

MOTION: John Bohlman moved, seconded by Cynthia Benning to approve the Minutes of March 12, 2002 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

There were no stipulations.

**REVIEW AND APPROVAL OF CH RULE 01-154 RELATING TO REQUIREMENTS
FOR THE DISPENSING OF PRESCRIPTION ORDERS FOR SCHEDULE II
CONTROLLED SUBSTANCES**

MOTION: John Bohlman moved, seconded by Michael Bettiga, to approve Clearinghouse Rule 01-154 relating to requirements for the dispensing of prescription orders for Schedule II controlled substances and send it to the legislature. Motion carried unanimously.

REVIEW AND APPROVAL OF CH RULE 01-155 RELATING TO THE DEFINITION OF “ACTIVE PRACTICE OF PHARMACY”

MOTION: John Bohlman moved, seconded by Georgina Forbes, to table, until the next meeting, the decision on Ch. Rule 01-155 relating to the definition of “active practice of pharmacy” to allow the Board members who were not present at the hearing to fully review the written testimony and comments. Motion carried unanimously.

REVIEW OF PROPOSED RULES RELATING TO A PHARMACY INTERNSHIP PROGRAM

Legal counsel reviewed the language changes with the Board.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to accept the modifications to the language as presented by legal counsel. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to send the proposed rules relating to pharmacy internship program to the legislature. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to send a request to the legislature to extend the emergency rule for thirty (30) days. Motion carried unanimously.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel’s responses.

MEMORANDUM OF UNDERSTANDING

This item was informational for the Board, and is an agreement between DRL and the UW regarding internship records.

DISTRIBUTOR/MANUFACTURER’S APPLICATIONS

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to approve the Distributor applications of **National Pharmaceutical Returns, Inc., FL; Vistapharma, IA; Women’s International Pharmacy, Inc., Madison; and UPS Logistics Group, Pa.** Motion carried unanimously.

DISCUSSION OF EXPIRED DISTRIBUTOR/MANUFACTURER/PHARMACY LICENSEES WHO CONTINUE TO OPERATE WITH AN EXPIRED LICENSE

The Board discussed several scenarios that have come up regarding expired licenses. During the last renewal two years ago, some distributors, manufacturers and pharmacies sent in their renewal fees with a change of address. These businesses were informed that they cannot operate

at a new location with their current license, and new applications were mailed out. Some of these businesses failed to return their new applications and have continued operating. These licensees have been turned over to DOE for investigation. In the future, business licensees who renew with a change of address should be sent a new application immediately. If they fail to respond within one month, they will be turned over to DOE for investigation.

There have also been business licensees who failed to renew two years ago, and now want to renew. These licensees have practiced for two years without a license. The Board wants these licenses renewed and then sent immediately to DOE for investigation.

Pharmacists and businesses who renew beyond the renewal due date must pay a late fee. The Board requested that all late renewals (pharmacist and business) be sent to DOE for review by the Screening Committee.

VARIANCE REQUEST

WOMEN'S HEALTH AMERICA/MADISON PHARMACY ASSOCIATES

John Bohlman excused himself from the discussion and left the room.

The Board reviewed the request from Women's Health America/Madison Pharmacy Associates. Legal counsel will send them a set of guidelines and ask them to submit a plan for this request.

John Bohlman returned to the meeting at this time.

DISCUSSION OF SELF-INSPECTION FORMS BEING COMPLETED PRIOR TO ISSUANCE OF A LICENSE AND DISCUSSION OF INSPECTOR GOING TO PHARMACY SITE PRIOR TO PROPOSED OPENING DATE

Self-inspection forms should not be returned to the Department until all requirements are complete or until a designated date of completion is included on the form.

The Board wants the inspector to go to new pharmacies after they have opened. It was recognized that some pharmacies do not open as originally anticipated, and the Board suggested the inspector call prior to the inspection to verify the pharmacy is open for business.

Michael Bettiga will be the Board liaison for the Department's pharmacy inspector and will field questions as they arise.

NABP RESOLUTIONS RELATING TO DRUG PRODUCT FORMULATION CHANGES AND OPPOSITION TO MANDATED TABLET SPLITTING

This item was informational.

NABP SURVEYS ON RETURN OF UD MEDICATIONS

This item was informational.

REVIEW OF QUESTIONS ASKED ON MANUFACTURER AND PHARMACY APPLICATION FORMS

The Board reviewed the manufacturer and pharmacy application forms. Legal counsel suggested the Board put back on the applications the questions they had previously removed.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to return former questions numbered 5 and 6 to the manufacturer and pharmacy application forms, and to add a line for the applicant's fax number on all new pharmacy, manufacturer and distributor application forms. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to modify the manufacturer application form as follows: Question #1 should read, "Is applicant a manufacturer and/or repackager of drugs or devices?" The section immediately following question #7 should read, "List drugs and devices manufactured or repackaged with manufacturers trade name and generic name below." Motion carried unanimously.

REVIEW OF PHARMACIST SURVEY TO BE SENT WITH RENEWALS

Deputy Secretary Greg Horstman spoke to the Board regarding the pharmacy survey that is being sent out with the renewals. This survey was initiated by the Department of Workforce Development and is being facilitated by DRL. Participation in the survey is voluntary.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the Controlled Substances Board was not able to hold its meeting scheduled on April 3, as there was not a quorum of the Board members. However, the public hearing was held on proposed rules relating to classifying dichloralphenazone as a Schedule IV controlled substance under federal law. No speakers registered to speak at the hearing. A teleconference will be held later today with the CSB members to vote on SUA applications.

RECESS TO CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose considering requests for stays of suspensions and modifications in board orders, deliberation on an administrative warning, reviewing case status reports, discussion with DOE regarding CE audits of pharmacists that practice at a pharmacy that is involved in as investigation, update on review and monitoring of board orders, discussion of examination issues and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Charlotte Rasmussen – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 11:21 a.m.

RECONVENE IN OPEN SESSION

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:08 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

MARK ANDERSON, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Mark Anderson, R.Ph. Motion carried unanimously.

ROBERT V GUZZETTA, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to Robert V. Guzzetta, R.Ph. Motion carried unanimously.

JOHN LITZENBERG, RPH

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension but deny the request for an increase in hours as pharmacist in charge to John Litzenberg, R.Ph. Motion carried unanimously.

CRAIG MOON, RPH

MOTION: John Bohlman moved, seconded by Michael Bettiga, to grant a three-month stay of suspension and a decrease in screens from six to four per month to Craig Moon, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to deny the request for a stay of suspension to Michael O'Kray, R.Ph., due to a positive screen for alcohol. Motion carried unanimously.

KEVIN PAMPUCH, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Kevin Pampuch, R.Ph. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to deny the request for a stay of suspension to Andrew Rice, R.Ph., as he is non-compliant with his therapy as ordered. Michael Bettiga abstained. Motion carried.

CASE STATUS REPORT

MOTION: John Bohlman moved, seconded by Michael Bettiga, to close complaint **01 PHM 056** for insufficient evidence. The case advisor was Cynthia Benning. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to close complaint **01 PHM 089** for no jurisdiction against the pharmacy. The case advisor was Cynthia Benning. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to close complaint **01 PHM 075** for no violation. The case advisor was Michael Bettiga. Motion carried unanimously.

MOTION: John Bohlman moved, seconded by Charlotte Rasmussen, to close complaint **01 PHM 083** for no violation. The case advisor was Michael Bettiga. Motion carried unanimously.

ADMINISTRATIVE WARNING

POLLY A ANDERSON, RPH

MOTION: Michael Bettiga moved, seconded by John Bohlman, to issue an administrative warning in the matter concerning Polly A. Anderson, R.Ph. The case advisor was Cynthia Benning. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:08 p.m.

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